

**JOINT DECLARATION OF
SHERRY LICHTENBERG AND
JOHN SIVORI**

ATTACHMENT 4

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

-----X
Petition of New York Telephone Company for Approval :
of its Statement of Generally Available Terms and :
Conditions Pursuant to Section 252 of the : Case 97-C-0271
Telecommunications Act of 1996; and Draft Filing of :
Petition for InterLATA Entry Pursuant to Section 271 of :
the Telecommunications Act of 1996 to Provide In- :
Region, InterLATA Services in the State of New York :
-----X

JOINT SEPTEMBER REPLY AFFIDAVIT OF JULIE A. CANNY, STUART MILLER,
SEAN J. SULLIVAN, R. MICHAEL TOOTHMAN AND ARTHUR ZANFINI
ON BEHALF OF BELL ATLANTIC - NEW YORK

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Julie A. Canny, Stuart Miller, Sean J. Sullivan, R. Michael Toothman and Arthur Zanfini,
being duly sworn upon oath, depose and state as follows:

1. My name is Julie A. Canny. My business address is 1095 Avenue of the Americas, 28th Floor, New York, New York 10036. I previously filed a number of affidavits in this proceeding. My background is set forth in the Joint Reply Affidavit, filed October 13, 1998, in an earlier stage of this proceeding.

2. My name is Stuart Miller. My business address is 1095 Avenue of the Americas, 26th Floor, New York, New York 10036. I previously filed a number of affidavits in this proceeding. I also provided testimony in the Technical Conferences held June 7-9, 1999 and July 27-30, 1999. My background is set forth in an affidavit I filed on February 18, 1997, in an earlier stage of this proceeding.

3. My name is Sean J. Sullivan. My business address is 125 High Street, Boston, Massachusetts 02110. My current position is Director, TIS Systems and Infrastructure. I have filed two earlier affidavits in this proceeding. My background and responsibilities are described in the Second July Update Affidavit, filed July 22, 1999. I also provided testimony in the Technical Conferences held June 7-9, 1999 and July 27-30, 1999.

4. My name is R. Michael Toothman. My business address is 13100 Columbia Pike B-22, Silver Spring, Maryland 20904. I filed two earlier affidavits in this proceeding. My background and responsibilities are set forth in the Affidavit I filed on June 15, 1999. I also provided testimony in the Technical Conferences held June 7-9, 1999 and July 27-30, 1999.

5. My name is Arthur Zanfini. My business address is 140 West Street, 7th Floor, New York, New York 10019. I am the Director – Telecom Industry Services Operations Center (“TISOC”) for Bell Atlantic-North, with responsibility for overseeing the processing of Competitive Local Exchange Carrier (“CLEC”) service orders. I have been involved with business office operations for my entire 22-year career in telecommunications with Bell Atlantic and its predecessor companies, and with wholesale operations serving CLECs since 1995.

6. The purpose of this Joint September Reply Affidavit is to respond to the post-Technical Conference Affidavit filed on September 17, 1999, by Mr. Darrell Fuquay and Mr. John Sivori on behalf of MCI WorldCom (“MCI”) and the Reply Affidavit of Mr. Raymond Crafton, filed on September 21, 1999, on behalf of AT&T Communications (“AT&T”). MCI claims that BA-NY is failing to support adequate flow-through processing for MCI’s UNE-Platform orders and that this “failure” creates a significant competitive disadvantage for MCI in the local market. (MCI ¶ 24.) In fact, the evidence shows that MCI has not been subjected to

any competitive damage because of the absence of flow-through. Further, the facts show that MCI's own ordering errors are a major contributor to the failure of its orders to flow through.

7. AT&T reiterates claims that it has experienced untimely or missing system notices in its EDI testing, and that BA-NY has not promptly resolved its related trouble tickets. (Crafton Affidavit, dated August 16, 1999.) AT&T also seeks to answer the BA-NY rebuttal to its claims, filed August 30, 1999. (BA-NY Joint August Affidavit, hereafter "Jt. Aug. Aff.") In that Affidavit, BA-NY showed that AT&T had ignored the fact that its claims had largely been resolved by changes BA-NY made to its systems and processes *in July 1999*, and that AT&T's own conduct has impeded, rather than assisted the resolution of its now outdated trouble tickets.

8. There is an Exhibit associated with this Affidavit, labeled as Attachments 1-3. Reference to the Exhibit is made in this Affidavit where appropriate.

THE ABSENCE OF ORDER FLOW-THROUGH DOES NOT IMPEDE MCI'S COMPETITIVE EFFORTS

9. MCI argues that flow-through ordering is "one of the most fundamental business requirements." (MCI ¶ 4.) It supports this contention with a reference to the FCC's earlier statement that the absence of order flow-through "directly impedes the timely and efficient processing of both orders and key status notices..." (*Id.*) The FCC's concern, however, is *not* what MCI is complaining about. Here, MCI is only claiming that BA-NY's provision of firm order confirmations ("FOCs") and reject notices have not met the 95% benchmark intervals established in the Carrier-to-Carrier ("C2C") proceeding in the three months from May to July. (MCI ¶ 6.) MCI has not complained – nor could it – that the provisioning of its orders or its competitive efforts have been adversely affected by the "delay" in its receipt of order FOCs and rejects. On the contrary, MCI's competitive efforts have been extremely successful, and it has

boasted that it can provide “customer satisfaction through proven OSS functionality” in New York. The same C2C reports referred to by MCI clearly demonstrate that BA-NY has met its provisioning commitments, and exceeded its benchmark retail service performance level, for MCI’s orders in each of the three months. Specifically, BA-NY met its installation commitment on ** of MCI’s ** *** completed UNE-P orders in May 1999. In June, these on-time numbers were ** *** for MCI’s ** *** UNE-P orders, while in July BA-NY achieved ** *** on-time service for MCI’s ** ***. August results are comparable: ** *** on-time service for MCI’s ** *** orders. Similarly, the installation quality results for MCI’s platform orders exceeded the comparative retail standard in each month. Thus, the evidence shows that MCI’s competitive efforts are succeeding and its orders are being well served by BA-NY.

10. At bottom, MCI’s claims relate only to the portion of its platform orders that fail to flow through, and the even smaller portion for which a FOC or reject notice is not received within 24 hours. In any event, BA-NY has already fixed the “problem” that MCI addresses, and August results show that ** *** of the FOCs for non-flow-through orders and ** *** of the order rejects met the applicable 24-hour guidelines in August.

11. MCI also indicates that it is committed to learning the root causes why its orders are failing to flow through the ordering system for provisioning, but it rejects the notion that it is responsible for any of this “failure” because of its order errors. (MCI ¶¶ 9-13.) As discussed below, the easiest way to increase MCI’s order flow-through would be for MCI to eliminate the many errors in its orders – a task MCI should embrace, not shun.

12. MCI also claims that it does not batch orders prior to their submission to BA-NY. (MCI ¶¶ 11-12.) MCI then concedes that “order volumes fluctuate” because (i) some orders fail

its internal auditing mechanisms, (ii) some orders are rejected by BA-NY, and (iii) some orders must be held due to BA-NY system outages and MCI new software releases. (MCI ¶ 13.) In effect, MCI has conceded that it transmits orders to BA-NY in batches for handling, whether by design or otherwise. (*See* Jt. Aug. Aff. ¶ 12.) The precise effect of MCI's grouping of its orders remains under both parties' scrutiny. That review, however, will not be aided by MCI's insistence that it does not do what the facts clearly show it does do – group its orders.

MCI MUST ASSUME A GREATER RESPONSIBILITY FOR ORDER QUALITY IF IT TRULY SEEKS TO RAISE THE FLOW-THROUGH RATE FOR ITS ORDERS

13. MCI argues that BA-NY has failed to demonstrate that CLEC orders fail to flow through because of CLEC order errors. (MCI ¶¶ 14-19). Contrary to MCI's claims, numerous studies conducted to date show that CLEC errors in order creation are a substantial reason for orders failing to flow through. Indeed, three separate studies conducted by TISOC of CLEC UNE-platform orders for the periods August 23-26 (all CLECs), September 1-10 (all CLECs), and for September 15-21 (for MCI alone), show that CLEC errors in submitting directory listings and formatting the contact telephone number alone account for 21.8% of all of the flow-through order "fallout". These studies also showed that all CLEC ordering errors in these study periods accounted for 34.4%, 28.6% and 34.3%, respectively, of the orders sent to TISOC for manual handling. By contrast, BA-NY system errors accounted for only 8.0%, 5.4% and 6.4%, of the order "fallout" – causing less than one order to fall to manual processing for every four or five fallout orders caused by CLEC error. *See* Exhibit Attachments 1-3.¹ Indeed, if flow-through rates were the only appropriate focus of order processing, BA-NY could simply reject these

¹ MCI has been provided with the details applicable to its orders.

orders to boost BA-NY flow-through rates. Instead, as these studies show, BA-NY has extended itself to correct many CLEC orders manually in TISOC in order to assist MCI and other CLECs with their local market entry.

14. MCI seeks to excuse its continuing order errors by blaming them on the absence of EDI pre-ordering and by BA-NY documentation. (MCI ¶ 20.) However, the errors most commonly made by MCI – directory listings errors and inaccurate BTNs, for example – do not require *either* EDI pre-order capabilities or new business rule documentation. These errors are predictable and repeatable and could be easily addressed by MCI with attention to detail on its part. BA-NY has worked with MCI on numerous occasions during the past six months to offer assistance with MCI’s most common ordering errors. BA-NY’s MCI Account Team has conducted several conference calls with MCI to address order quality issues. The TISOC has coached MCI order personnel on multiple occasions as well. And, as recently as August 27th, BA-NY executives provided their counterparts from MCI with a specific list of the order details it should focus on to improve order quality. These order details included the validation of a customer’s address and listing changes, which constitute the majority of MCI’s order quality issues. In any event, EDI for pre-ordering is available to MCI and, as it acknowledged at the Oral Argument held August 31, 1999, it will shortly be using EDI for Customer Service Records and Address Validation, the two functions it deemed the “most important.” (Tr. 4255-56.)

15. MCI also seeks to deflect attention from its performance by pointing to the substantial number of orders that are designed to fall out of flow-through processing to be handled manually by TISOC. (MCI ¶ 20). Again, there is no BA-NY system deficiency here. In fact, the majority of these orders are routed to TISOC handling for the benefit of MCI and other CLECs. Thus, for example, new CLEC orders are directed to TISOC for review where the

system has determined that there may be a conflict with a pending service order – even one submitted by the CLEC itself. This system “fail-safe” is aimed at avoiding mistakes in provisioning service for the CLEC’s end user that can readily occur where multiple service orders are in progress. Similarly, BA-NY systems are properly designed to send migration orders to TISOC where the system has determined that the existing BA-NY customer account has BA-NY-imposed call blocking for account treatment, in order to provide the CLEC end user with unrestricted service upon migration. Rather than impeding CLEC efforts, BA-NY has designed its systems to assist CLECs with their market entry efforts.

16. MCI also refers to the flow-through study conducted by the Commission Staff. (MCI ¶ 19.) Without going into detail, this study confirms the BA-NY analyses showing that CLEC order errors are a substantial cause of flow-through order fallout. Improvement in CLEC order quality, coupled with the addition by BA-NY of the capability for certain order types to flow through, would significantly raise achieved order flow-through levels.

17. BA-NY is eager to continue to work with MCI (and other CLECs) to achieve higher order flow-through rates. However, success in that effort will require MCI to shoulder its responsibilities as well. In the interim, MCI has failed entirely to demonstrate that its competitive efforts are impaired by BA-NY at the level of order flow-through it is currently experiencing.

AT&T FAILS TO REFUTE BA-NY’S JOINT AUGUST REPLY AFFIDAVIT

18. Unable to refute BA-NY’s Joint August Reply Affidavit, AT&T has instead chosen to misinterpret the facts. First, BA-NY did not claim that there were no earlier problems involved with the File Transfer Protocol (“FTP”) connectivity established for AT&T’s EDI testing. In fact, such problems were acknowledged. But those within BA-NY’s control were

acted upon promptly and effectively. (Jt. Aug. Aff. ¶ 8.) AT&T has provided no data to show otherwise. Indeed, AT&T now merely reiterates its older claims, which focus on connectivity issues addressed by the BA-NY's process and system changes completed by July 19, 1999. (Second July Upd. Aff. ¶ 23.)

19. Second, BA-NY did not claim that there were no trouble tickets awaiting closure related to these earlier problems. What BA-NY did show was that there were few trouble tickets since the mid-July changes, and no claims at all related to missing acknowledgements. (Jt. Aug. Aff. ¶ 9.) In fact, the data provided by AT&T in its proprietary Exhibits 3 and 4 shows the transmittal by BA-NY of timely acknowledgements and system error messages ("SEMs"). The only apparent "open message" claim presented in Exhibit 3 relates to 8 orders where the Local Service Request Confirmation ("LSRC") was noted as sent, but no completion notice was noted. This "open" exists *only* because AT&T did not update its spreadsheet to reflect BA-NY's timely completion of these July 21st orders on July 26th as committed, and the timely transmittal of the completion notice for these orders to AT&T on July 27th – the day *before* AT&T gave BA-NY its spreadsheet. Even if AT&T could not have updated its spreadsheet in a day, it could and should have brought its "facts" in line with reality in an affidavit filed nearly two months later.

20. Third, BA-NY demonstrated that AT&T's attempt to count open historical trouble tickets and blame these on BA-NY was misleading at best. (Jt. Aug. Aff. ¶¶ 15-16.) In fact, as BA-NY showed, AT&T has not devoted its energies to closing out these tickets – either because of lack of interest and importance, or because AT&T prefers to complain about issues instead of resolving them. Unfortunately, this regulatory tactic continues. In fact, for the trouble tickets AT&T now references (AT&T ¶ 5), BA-NY long ago sent AT&T all of the requested information (TT# 671942 – 6/7/99; TT# 683942 – 6/28/99; TT# 688522 – 6/28/99), asked

AT&T if it had any questions or further interest in discussing these “open issues,” and closed the trouble tickets on August 30, 1999, upon prior notice to AT&T on August 27, 1999. No AT&T personnel have contacted BA-NY about this ticket closure in the subsequent four-week period. (AT&T ¶ 11.)

21. Fourth, AT&T also criticizes BA-NY for making reference to the implementation of a field completion notice, noting that it is too early for it to assess the effectiveness of this system change. (AT&T ¶ 16.) BA-NY can now report that this new system message was successfully implemented as scheduled in August for most CLECs. Although problems were initially encountered in transmittal to AT&T, these were overcome by a system modification made on September 13, 1999, and the new SOP completion notice has functioned successfully with AT&T since that time.

22. Fifth, AT&T attempts to rebut BA-NY’s showing that AT&T had few complaints about SEMs in July and that AT&T’s own ordering errors were responsible for the vast majority of these messages. (Jt. Aug. Aff. ¶ 13.) AT&T argues that the Joint August Reply Affidavit erroneously included BA-NY performance data for more than the UNE-Platform offering AT&T is testing. (AT&T ¶ 18.) Actually, AT&T acknowledges BA-NY was correct in showing that its total SEM claims amounted to less than 10% of AT&T’s total July orders. Now, however, AT&T disingenuinely tries to raise this percentage by dividing the total number of July SEMs (numerator) by the reduced number of “test orders” (denominator), even after arguing that many of these SEMs related to orders it removed from the count of orders. (*Id.*) AT&T’s contrivance is transparent.

23. Sixth, AT&T also claims that BA-NY erroneously ascribed responsibility to it for 213 SEMs involving Caller ID. AT&T states that it did not seek to place Caller ID on accounts

where it already existed. Rather, AT&T claims that these orders dealt with the addition of Anonymous Call Rejection (“ACR”) on these accounts. (AT&T ¶ 20.) AT&T is incorrect. In fact, BA-NY received initial AT&T orders for Caller ID *and* ACR for these accounts. These orders were accepted and provisioned without problem. Next, AT&T submitted orders for the removal of ACR from these accounts. These orders were also accepted and provisioned without a problem. Finally, it was only when AT&T submitted a third set of orders seeking to establish Caller ID on these accounts (where Caller ID without ACR had continued in place) that the 213 SEMs at issue were properly sent. This AT&T error alone accounts for 213 of the July 1999 SEMs included in AT&T’s Exhibit 4. (Of course, had this error been made by AT&T on only 1 “test” order, instead of on 213 orders, the total 10% SEM rate for July would have been reduced by more than half.)

24. Finally, AT&T asks that BA-NY continue EDI testing with it beyond September 24, 1999. (AT&T ¶ 24.) AT&T’s misuse of the data coming from the existing test (data it never shared with BA-NY) reinforces the need (i) to reach a final end date for AT&T’s testing that is based on AT&T’s legitimate business needs, rather than its regulatory efforts; and (ii) to develop a process that ensures the veracity and accuracy of the “data” coming from the test.

25. This concludes this Joint September Reply Affidavit.

I hereby swear, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge and belief.

Julie A. Canny

Sworn to before me this ____ day of September, 1999.

Notary Public

Stuart Miller

Sworn to before me this ____ day of September, 1999.

Notary Public

Sean J. Sullivan

Sworn to before me this ____ day of September, 1999.

Notary Public

R. Michael Toothman

Sworn to before me this ____ day of September, 1999.

Notary Public

Arthur Zanfini

Sworn to before me this ____ day of September, 1999.

Notary Public